

Senate Study Bill 3027

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON REDFERN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to abandonment of a child as grounds for
2 termination of parental rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5480SC 80
5 pf/sh/8

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1 1 Section 1. Section 600A.8, subsection 3, Code 2003, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 600A.8, subsection 4, Code 2003, is
1 4 amended to read as follows:
1 5 ~~4. 3. If the termination of parental rights relates to a~~
1 6 ~~putative father and the putative father~~ The parent has
1 7 abandoned the child. For the purposes of this subsection, a
1 8 ~~putative father~~ parent is deemed to have abandoned a child as
1 9 follows:
1 10 a. (1) If the child is less than six months of age when
1 11 the termination hearing is held, a ~~putative father~~ parent is
1 12 deemed to have abandoned the child unless the ~~putative father~~
1 13 parent does all of the following:
1 14 (a) Demonstrates a willingness to assume custody of the
1 15 child rather than merely objecting to the termination of
1 16 parental rights.
1 17 (b) Takes prompt action to establish a parental
1 18 relationship with the child.
1 19 (c) Demonstrates, through actions, a commitment to the
1 20 child.
1 21 (2) In determining whether the requirements of this
1 22 paragraph are met, the court may consider all of the
1 23 following:
1 24 (a) The fitness and ability of the ~~putative father~~ parent
1 25 in personally assuming custody of the child, including a
1 26 personal and financial commitment which is timely
1 27 demonstrated.
1 28 (b) Whether efforts made by the ~~putative father~~ parent in
1 29 personally assuming custody of the child are substantial
1 30 enough to evince a settled purpose to personally assume all
1 31 parental duties.
1 32 (c) ~~Whether~~ With regard to a putative father, whether the
1 33 putative father publicly acknowledged paternity or held
1 34 himself out to be the father of the child during the six
1 35 continuing months immediately prior to the termination
2 1 proceeding.
2 2 (d) ~~Whether~~ With regard to a putative father, whether the
2 3 putative father paid a fair and reasonable sum, in accordance
2 4 with the putative father's means, for medical, hospital, and
2 5 nursing expenses incurred in connection with the mother's
2 6 pregnancy or with the birth of the child, or whether the
2 7 putative father demonstrated emotional support as evidenced by
2 8 the putative father's conduct toward the mother.
2 9 (e) Any measures taken by the ~~putative father~~ parent to
2 10 establish legal responsibility for the child.
2 11 (f) Any other factors evincing a commitment to the child.
2 12 b. If the child is six months of age or older when the
2 13 termination hearing is held, a ~~putative father~~ parent is
2 14 deemed to have abandoned the child unless the ~~putative father~~
2 15 parent maintains substantial and continuous or repeated
2 16 contact with the child as demonstrated by contribution toward
2 17 support of the child of a reasonable amount, according to the
2 18 ~~putative father's~~ parent's means, and as demonstrated by any
2 19 of the following:
2 20 (1) Visiting the child at least monthly when physically
2 21 and financially able to do so and when not prevented from
2 22 doing so by the person having lawful custody of the child.

2 23 (2) Regular communication with the child or with the
2 24 person having the care or custody of the child, when
2 25 physically and financially unable to visit the child or when
2 26 prevented from visiting the child by the person having lawful
2 27 custody of the child.

2 28 (3) Openly living with the child for a period of six
2 29 months within the one-year period immediately preceding the
2 30 termination of parental rights hearing and during that period
2 31 openly holding himself or herself out to be the father parent
2 32 of the child.

2 33 c. The subjective intent of the ~~putative father parent~~,
2 34 whether expressed or otherwise, unsupported by evidence of
2 35 acts specified in paragraph "a" or "b" manifesting such
3 1 intent, does not preclude a determination that the ~~putative~~
3 2 ~~father parent~~ has abandoned the child. In making a
3 3 determination, the court shall not require a showing of
3 4 diligent efforts by any person to encourage the ~~putative~~
3 5 ~~father parent~~ to perform the acts specified in paragraph "a"
3 6 or "b". In making a determination regarding a putative
3 7 father, the court may consider the conduct of the putative
3 8 father toward the child's mother during the pregnancy.
3 9 Demonstration of a commitment to the child is not met by the
3 10 putative father marrying the mother of the child after
3 11 adoption of the child.

3 12 EXPLANATION

3 13 This bill relates to abandonment of a child as a grounds
3 14 for termination of parental rights. The bill amends an
3 15 existing portion of the Code relating to the determination of
3 16 abandonment of a child by a putative father as a grounds for
3 17 termination and applies the criteria in determining
3 18 abandonment to both parents. The bill provides that a parent
3 19 is deemed to have abandoned a child for the purpose of the
3 20 grounds for termination section of the Code based on meeting
3 21 certain criteria and based on the age of the child. Certain
3 22 criteria still apply only with regard to the deeming of
3 23 abandonment of a child by a putative father.

3 24 LSB 5480SC 80

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